

## 48A C.J.S. Judges § 3

Corpus Juris Secundum | August 2023 Update

### Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

### I. In General

#### A. Definitions and Distinctions

##### 1. In General

### § 3. Surrogate

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#### West's Key Number Digest

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**Surrogate is the name given, in some jurisdictions, to a judge or judicial officer who has the administration of probate matters, guardianships, and similar matters.**

A surrogate, in some jurisdictions, is a judicial officer performing important judicial functions in our court system and held to be a judge.<sup>1</sup> In other jurisdictions, such a judge is known as a register of wills,<sup>2</sup> while in still other jurisdictions, such a judge is termed a probate judge.<sup>3</sup> A surrogate is not, however, generally, the ordinary in matters falling under probate jurisdiction.<sup>4</sup>

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### Footnotes

1 N.J.—*Clark v. DeFino*, 80 N.J. 539, 404 A.2d 621 (1979).

2 Del.—*In re Harmon's Will*, 47 Del. 560, 95 A.2d 47 (Super. Ct. 1953).

3 Black's Law Dictionary (9th ed.).

**Not a county judge**

Offices of probate judge and county judge are not related or incidental to each other although same person may hold both offices.

Kan.—*State ex rel. Hahn v. American Sur. Co. of New York*, 142 Kan. 246, 46 P.2d 611 (1935).

4 N.Y.—*In re Martin's Will*, 80 Misc. 17, 141 N.Y.S. 784 (Sur. Ct. 1913).

As to the definition of an ordinary, see § 2.

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